

MARKING OF UNDERGROUND UTILITIES

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon J. Greiner

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses the marking of underground utilities.

Highlighted Provisions:

This bill:

▶ provides that the marking of underground utilities shall be done in accordance with the Uniform Color Code and Marking Guidelines published by the Common Ground Alliance or other marking guidelines established by the board; and

▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

54-8a-4, as last amended by Laws of Utah 2008, Chapter 344

54-8a-5, as last amended by Laws of Utah 2008, Chapter 344

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **54-8a-4** is amended to read:

54-8a-4. Notice of excavation.



28 (1) (a) Before excavating, an excavator shall notify each operator with an underground
29 facility in the area of the proposed excavation.

30 (b) The requirements of Subsection (1)(a) do not apply:

- 31 (i) if there is an emergency;
- 32 (ii) while gardening; or
- 33 (iii) while tilling private ground.

34 (2) The notice required by Subsection (1) shall:

35 (a) be given:

- 36 (i) by telephone;
- 37 (ii) in person; or
- 38 (iii) by other means acceptable to each operator;

39 (b) be given not:

- 40 (i) less than 48 hours before excavation begins; or
- 41 (ii) more than 14 days before excavation begins; and

42 (c) include the proposed excavation's anticipated:

- 43 (i) location, with reasonable specificity;
- 44 (ii) dimensions;
- 45 (iii) type; and
- 46 (iv) duration.

47 (3) If the proposed excavation's anticipated location and dimensions cannot be
48 described as required under Subsection (2)(c), an excavator shall outline the proposed
49 excavation site in [~~white paint, stakes, flags, or other industry-accepted manner~~] accordance
50 with the then-existing Uniform Color Code and Marking Guidelines, Appendix B, published by
51 the Common Ground Alliance or another set of marking guidelines approved by the board.

52 (4) If more than one excavator will operate at the same excavation site, each excavator
53 shall provide the notice required by this section.

54 (5) If there is an association in the county, notice to that association constitutes notice
55 to each operator that has facilities within the proposed excavation site.

56 (6) (a) Notice given under this section is valid for 14 days from the day on which the
57 notice is given.

58 (b) If an excavation will continue beyond the 14-day period under Subsection (6)(a),

59 the excavator shall provide notice of that fact at least 48 hours before expiration of the 14-day
60 period.

61 (c) A notice under Subsection (6)(b) is valid for 14 days from the day on which the
62 previous notice expires.

63 (d) An excavator shall give notice as provided in this Subsection (6) for the duration of
64 the excavation.

65 (7) If markings made by the operator have been disturbed so that the markings no
66 longer identify the underground facility:

67 (a) before excavating the site an excavator shall notify:

68 (i) the association; or

69 (ii) each operator; and

70 (b) the operator shall mark the area again within 48 hours of the renotification.

71 (8) An excavator may begin excavation if:

72 (a) (i) all underground facilities have been:

73 (A) located; and

74 (B) marked; or

75 (ii) the operators have indicated that there are no underground facilities within the
76 proposed excavation site;

77 (b) (i) 48 hours have elapsed from the time of initial notice; and

78 (ii) the excavator has not:

79 (A) been notified by the operator; or

80 (B) received a request for a meeting under Subsection 54-8a-5(2); or

81 (c) 48 hours have elapsed from the time of renotification under Subsection (6).

82 (9) Unless an operator remarks an area pursuant to Subsection (7), the excavator shall
83 be responsible for the costs incurred by an operator to remark its underground facilities
84 following the second or subsequent notice given by an excavator for a proposed excavation.

85 Section 2. Section **54-8a-5** is amended to read:

86 **54-8a-5. Marking of underground facilities.**

87 (1) (a) Within 48 hours of [~~the~~] receipt of the notice required by Section 54-8a-4, the
88 operator shall:

89 (i) mark the location of [~~its~~] the operator's underground facilities in the area of the

90 proposed excavation; or

91 (ii) notify the excavator, by telephonic or electronic message or indication at the
92 excavation site, that the operator does not have any underground facility in the area of the
93 proposed excavation.

94 (b) The underground facility shall be marked [~~with stakes, paint, or in some other~~
95 ~~customary way, indicating, at the option of the operator, either:~~] in accordance with the
96 then-existing Uniform Color Code and Marking Guidelines, Appendix B, published by the
97 Common Ground Alliance or another set of marking guidelines approved by the board.

98 [~~(i) the approximate centerline of the underground facility; or]~~

99 [~~(ii) the approximate outside dimensions of both sides of the underground facility.]~~

100 (2) (a) The operator is not required to mark the underground facilities within 48 hours
101 if:

102 (i) the proposed excavation:

103 (A) is not identified in accordance with Subsection 54-8a-4(2) or is not marked as
104 provided in Subsection 54-8a-4(3);

105 (B) is located in a remote area;

106 (C) is an extensive excavation; or

107 (D) presents other constraints that make it unreasonably difficult for the operator to
108 comply with the marking requirements of this section; or

109 (ii) the operator is not able to readily locate the underground facilities from the surface
110 with standard underground detection devices.

111 (b) If the operator cannot proceed with the marking because of a situation described in
112 Subsection (2)(a), the operator shall contact the excavator within 48 hours after the excavator's
113 notice of excavation or request for a location request assignment made in accordance with
114 Section 54-8a-4 and request a meeting at the proposed excavation site or some other mutually
115 agreed upon location.

116 (c) For a situation described under Subsection (2)(a)(i), the meeting constitutes the
117 beginning of a new 48-hour period within which the operator [~~must~~] shall begin marking the
118 underground facilities.

119 (d) (i) For the situation described under Subsection (2)(a)(ii), the excavator and
120 operator shall agree on a plan of excavation designed to prevent damage to the operator's

121 underground facility.

122 (ii) Notwithstanding the agreement, the excavator shall proceed in a manner that is
123 reasonably calculated to avoid damage to the underground facility.

124 (e) (i) An operator need not mark or locate an underground facility the operator does
125 not own.

126 (ii) An underground facility under Subsection (2)(e)(i) includes a water or sewer lateral
127 or a facility running from a house to a garage or outbuilding.

128 (f) (i) An operator may mark the location of a known facility connected to the
129 operator's facilities that is not owned or operated by the operator.

130 (ii) Marking a known facility under Subsection (2)(f)(i) imposes no liability on the
131 operator for the accuracy of the marking.

132 (3) The markings required by this section shall conform with [~~marking standards~~
133 ~~established by the American Public Works Association for temporary markings~~] the
134 then-existing Uniform Color Code and Marking Guidelines, Appendix B, published by the
135 Common Ground Alliance or another set of marking guidelines approved by the board.

136 (4) Each marking is valid for not more than 14 calendar days from the date notice is
137 given.

138 (5) If multiple lines exist:

139 (a) the markings [~~must~~] shall indicate the number of lines; or

140 (b) all lines [~~must~~] shall be marked.

Legislative Review Note
as of 2-3-10 1:18 PM

Office of Legislative Research and General Counsel

S.B. 153 - Marking of Underground Utilities

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
